

Report on the Jury Systems
of Queen Anne's, Kent, and Talbot
Counties

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I. INTRODUCTION

The purpose of this report is to describe the jury systems of the Circuit Courts in the counties of Queen Anne's, Kent, and Talbot. The description encompasses the entire jury process, from the initial selection stage to the time that jurors leave the court system after their service.

II. METHODOLOGY

The material for Queen Anne's County was gathered through a personal interview and a telephone interview with the Clerk of Court/Jury Clerk.

For Kent County, the assistant Jury Clerk was interviewed.

For Talbot County, the Clerk of Court was interviewed by telephone and the assistant Jury Clerk was talked to briefly.

In addition to the interviews, docket entrys on the procedures taken in the jury selection process were read, as were the forms that are used by the courts in the jury process. The jury selection plans that are kept on file in the Court of Appeals of Maryland were also examined.

III. COMMENTS

If there are any areas that need further clarification or if there are processes that are felt to be erroneously described, contact the Administrative Office of the Courts, Annapolis, Maryland.

Comments about the functioning of the jury systems are those of the writer only.

IV. DESCRIPTION OF THE JURY SYSTEMS

As with all the other Circuit Courts in Maryland, the Circuit Court in Queen Anne's County uses the voter registration list as its source of names in selecting persons for jury service.

The Board of Election Supervisors for Queen Anne's County keeps the voter registration list in Centreville. A copy of this list, though, is on file on computer in the Baltimore Utility Data Center. This copy is maintained for use in selecting prospective jurors from the list. This selection by the computer produces a random selection of names. All information on the list in Baltimore is obtained from the Board of Election Supervisors, which, consistent with court developed policies (jury plans on file with the Court of Appeals) concerning using up-to-date registrations, transmits to the Data Center within each 90 day period all new information relating to voter registrations.

Around the middle of November, the Clerk of the Court for Queen Anne's County, who performs the functions of jury commissioner/jury clerk as part of his normal duties, receives from the Board of Election Supervisors the number of registered voters in the county. In 1976, it was 9,686.

Approximately one month later, the judge for Queen Anne's County performs part of his jury judge function by selecting the numbers that will be transmitted to the Data Center for use in randomly selecting prospective jurors.

The procedure that is used is as follows:

1. The jury judge and the jury clerk decided how many persons they will need to mail questionnaires to to obtain enough qualified

jurors for the entire year. They decide, based on past experience and intuition, that 600 persons should be mailed questionnaires.

These 600 persons that are needed will be selected in two groups of 300. This is because there are two jury terms in Queen Anne's County Circuit Court, the first Tuesday of March and the first Monday of October, and questionnaires are mailed out twice a year, once for each jury term.

2. Two times the number 600 equals 1200. This number 1200 is divided into the number of registered voters, 9,686, to obtain the interval with which the names are selected from the voter's list. The interval obtained is 8.

3. The jury judge then randomly selects a starting number between 1 and 8.

4. Once the starting number is chosen, it and the interval of selection of 8 are used to select persons from the 9,686 names on the voter's list. The result is a list of 1,211 names.

5. The next step is that the number 300 is divided into the number 1200 to produce the number 4. This number is the interval with which names are selected from the list of 1,211.

6. Then, two different numbers between 1 and 4 are chosen. These are starting numbers also. They will be used, along with the interval of 4, to select from the list of 1,211 persons, 2 lists of approximately 300 persons each. These are the lists of persons that are mailed juror qualification questionnaires.

Thus, for example, the third name on the list of 1,211 is chosen and every fourth name after that. This produces 302 names for the court's March jury term. Then the fourth name on the list of 1,211 is chosen and every fourth name after that to produce a list of 303 names for the October jury term.

The procedure of first selecting twice as many names as is needed, the list of 1,211, and then selecting from that list the amount of names actually needed, the two lists of 302 and 303, was, according to the court clerk, developed by the Circuit Administrator and the Circuit Administrative Judge. The idea was to supposedly, make the selection of jurors "more" random. In reality, little is achieved by this procedure.

Though the judge and the clerk choose the starting numbers and determine the interval numbers, the computer does the selection. The Circuit Administrator gives the Data Center the information and it runs off the names and address labels and sends them back to the county. This is all that is involved in the automated phase of the system, in the entire Second Circuit. This process usually occurs sometime in the latter half of December.

There is a small charge for the use of the computer in doing the selection and printing the address labels. For 1977's term, the cost was \$30.00. This cost is paid directly by the county and is not part of the court's budget.

After the names are sent to the court clerk, introductory letters and juror qualification forms are mailed out to only those persons selected for the upcoming term. Thus, in Queen Anne's County where there are two terms, the questionnaires are mailed out around the beginning of January for the March term and around the first of August for the October term.

The results for the March 1977 term are:

1. Questionnaires mailed out - 302
2. Questionnaires filled out and returned (approximately) - 270
 - a. Percentage of those mailed out that are returned - 87%
 - b. Excused - Statistics not kept
 - c. Exempt - Statistics not kept

- d. Disqualified - Statistics not kept
 - e. Not Qualified (approximately) - 122
 - f. Qualified - 148
- 3. Not Forwardable - Statistics not kept but believed to be about - 25
 - 4. No Response (approximately) - 5
 - 5. Percentage of those persons returning questionnaires that become qualified - 54%

It takes approximately one month for almost all of the questionnaires to be returned. Those persons who have not returned them by this time are mailed a summons which requires them to appear at the courthouse to fill out a questionnaire. This usually occurs at the end of January for the March term. According to estimates by the court clerk, less than 10 are usually initially not returned out of 300 sent out, and they have to be mailed a summons.

The forms as they are returned are evaluated by the jury clerk and the judge. Though more than fifty percent of the persons sending back the forms are found to be qualified (148 out of about 270 in 1977), the jury clerk feels that this rate could be higher if the judge would adopt a more strict, and from the clerk's viewpoint appropriate, excuse/exemption policy.

The court does not keep any statistics on persons exempted or excluded. All information has to be obtained by examining the returned forms and by counting up the number of persons placed on the qualified list. It should be noted that in such a small court, such statistics probably serve little purpose for those in the court.

Each person, when he or she is selected by the computer, is assigned a number. If 302 persons are selected, the numbers

range from 1 to 302. When a person is found to be qualified for jury service, their number assigned in the automated stage of the process is placed in a container, a "wheel". These persons comprise the manually operated "qualified wheel". On a designated day, the wheel is rotated, thus mixing up the numbers. The judge then selects out all the names in the wheel. The first 23 selected out comprise the Grand Jury. The next 10 are alternates for the Grand Jury. The next 50 chosen out are the two panels of 25 each for the Petit Jury. All the rest of the qualified persons are alternates. This is 65 persons that are left from the qualified 148. This process occurs usually about one month after the qualification forms are mailed out. This is also about one month prior to the beginning of the term.

After the jurors are selected, an update letter is sent to each one telling him or her what panel he or she has been placed on. This letter also invites the jurors to contact the court if the information on the questionnaire needs revising or if they desire to be excused.

The letter is usually mailed a day or two after the selection from the qualified wheel. If persons desire to be excused during the period prior to the beginning of the term, they can call in and/or appear at the courthouse. Decisions on excuses are generally made by the jury clerk, though a person can appeal to the judge.

The concept of an update letter is a good one. In areas with substantial population, and especially those courts that mail questionnaires only once each year, an update letter might be a very useful tool to help keep information on prospective jurors more current.

However, in the instance of Queen Anne's County, where the update letter is mailed only a month after the mailing of the qualification questionnaire, it is doubtful that the information gained from the letter is substantially more current than that obtained from the questionnaire.

About three weeks after the mailing of the update letter, which is about a week to ten days prior to the beginning of the court term, summonses are sent out by certified mail, with a return receipt. These summonses are mailed to the Grand Jurors and alternate Grand Jurors. The summonses are also mailed to Petit Jurors if a jury trial is scheduled.

If the petit jurors are needed, the first panel of 25 is summoned, unless it is anticipated that it will be a trial where more than 25 are needed. Then members from the second panel are used.

On the first day of the term, the Grand Jurors and their alternates show up. They are sworn in and informed on when to appear.

The Grand Jury sits only when needed, a determination made by the prosecutor. The time usually turns out to be about five to ten days a year.

If on the first day, not all the Grand Jurors show up, or if some are excused or have been previously excused, the necessary amount of alternates are sworn in to obtain the 23-member Grand Jury. Those alternates not used are placed at the bottom of the petit jury alternate list for possible use.

If alternate petit jurors are needed, persons on the alternate list are contacted, with the ones at the top being selected first.

There are two 25-member petit jury panels in Queen Anne's County for each court term. Panel number one must be available for the first month of the term and each alternate month after that. The second panel serves the second month and each alternate month. When a petit jury is needed, the clerk sends a certified mail summons to the jurors. This is done usually around a week prior to the trial date. Because rural courts have few trials, and many cases are often settled, the summonses to the jurors are sent close to the trial date so that if the case is going to be settled, it will hopefully be done before the jurors are called.

There is a local rule for courts in the second circuit that requires the parties in a civil jury trial to pay juror costs if the case settles within 48 hours of the trial date. This happens possibly once a year.

Jurors in Queen Anne's County are paid every two months.

The appropriation for the county's jury system in FY 1977 was \$16,000, \$12,000 for Petit Jurors and \$4,000 for the Grand Jury. This cost does not include personnel costs. The clerk performs the jury function as a normal part of his duties.

For this rural court, and probably rural courts in general, the jury system can be divided into two parts. The first part is the initial selection process. This process is fairly constant. The steps taken generally do not vary from year to year for rural courts. It is this part of the process that is most easily fitted into a structure, as witnessed by the fact that the initial selection of jurors for the counties in the second circuit is performed in the same manner for each county and by the same automated system.

The second part of the system deals with the actual utilization of jurors. What happens in this area depends on circumstances from year to year. A major trial can alter the patterns substantially. Because circumstances can effect how the system works in using its jurors, it should be recognized that when one documents a system, or "flow-charts" it, one is presenting a somewhat static picture. It is a description of how things have worked in the past. Because rural courts often keep no formal statistics or summary data, which is the case in Queen Anne's County, the past is most often "how it was done last year."

KENT COUNTY AND TALBOT COUNTY

The Counties of Caroline, Cecil, Kent, Queen Anne's, and Talbot make up the Second Judicial Circuit. In recent years there have been some advances in court practices in the jury system area in the Circuit Courts of these Counties. Most of the advances have been on a circuit-wide basis. Because the courts in this circuit and rural courts in general function in a similar manner in the same state, it is felt that at this time it is not necessary to do an in-depth study of each county's court in the Second Circuit.

Queen Anne's County has been examined in depth. Kent and Talbot Counties have also been examined but because of interview problems and communication breakdowns (the clerk of Talbot County was not aware that an interview had been scheduled), these counties were not covered as thoroughly as Queen Anne's. If time allows and it is felt that these counties should be examined again, they will be re-examined after the major urban counties are finished.

The purpose of this report is to examine those aspects of the jury systems of Kent and Talbot Counties that make them different from the system in Queen Anne's County.

The relevant information on Kent County's jury system, using 1977, is:

- | | |
|---|-------|
| 1. Voters Registered - | 8,246 |
| 2. Questionnaires mailed out, for one of the court's two terms of court - | 258 |

3. Questionnaires filled out and returned (approximately) - 220
 - a) Percentage of those mailed out that are returned - 85%
 - b) Excused - Statistics not available
 - c) Exempt - Statistics not available
 - d) Disqualified - Statistics not available
 - e) Not Qualified (combination of b, c, and d) - 70 to 90
 - f) Qualified - 130 to 150
4. Not Forwardable - no records kept
5. No Response - no records kept
6. Combined not forwardables and non-responses (approximately) - 40
7. Percentage of those persons returning questionnaires that become qualified - 59% to 68%

Only persons chosen for the upcoming term of court are mailed questionnaires. Except for the time sequence difference between Kent County and Queen Anne's County in that the questionnaires are mailed out in middle to late November for Kent as opposed to the beginning of January for Queen Anne's, the process is basically the same up to the point that the jurors are actually used.

Another difference in Kent County is that all questionnaires, though initially examined by the assistant clerk and the chief clerk, are finally examined by the judge. This writer is not sure if the judge's examination is cursory one or a thorough one.

If a juror on the qualified list calls in and requests to be excused, the clerk has the power to grant it if he or she feels it is warranted. If the request is denied, the juror does have the right to appeal to the judge, but usually does not.

From the list of qualified persons, the judge selects 23 Grand Jurors, 10 Grand Jury alternates, and 4 panels of petit jurors. Each panel of petit jurors has 25, unless there are not enough qualified jurors, in which case there are three panels of 25, with the fourth panel containing what ever is left over. If there are persons in the qualified wheel after the 100 petit jurors are selected, then they are excused unless more alternates than usual are needed. The alternates in the past were taken from panels number three and four. These persons replaced those excused from panels one and two. Panels one and two each served three month terms. Presently, the court is adopting a policy where the first three panels are used about equally, each being required to serve about two months, with the fourth panel being for alternates.

When jurors are summoned to appear in Kent County they are usually mailed a juror handbook. Last term, this was not done because they were not available in time from the printers.

This policy of mailing out the handbooks seems to have advantages in that it might cut down on the number of questions phoned into the court prior to the beginning of the term. In large courts, much time is spent by the jury clerks answering questions that could probably be answered by a good handbook and information sheet.

One final aspect of the jury system of Kent County should be noted. According to the clerk who handles civil assignments,

the circuit rule requiring civil parties to pay juror costs if the case is settled within 48 hours of the trial even if the jurors do not appear and are not compensated, is, in fact, enforced. However, because of the small docket, enforcement is limited to one or two times a year. This practice possibly warrants further study with an eye towards making the information available to larger, more populous counties.

For Talbot County's 1977 term, the relevant information is (March term):

| | |
|--|---------------|
| 1. Voter's registered - | 10,000-12,000 |
| 2. Questionnaires mailed out for <u>each</u> of the court's two terms of court - | 413 |
| 3. Questionnaires filled out and returned - | 353 |
| a) Percentage of those mailed out that are returned | 85% |
| b) Excused - Statistics not available | |
| c) Exempt - Statistics not available | |
| d) Disqualified - Statistics not available | |
| e) Not Qualified (combination of b, c, and d) - | 170 |
| f) Qualified - | 183 |
| 4. Not Forwardable (approximately) - | 40 |
| 5. No Response (approximately) - | 20 |
| 6. Percentage of those persons returning questionnaires that become qualified - | 54% |

When the questionnaires are mailed in, they are all reviewed by the clerk of court, who serves as jury clerk. All those persons that are clearly qualified or clearly disqualified

are separated from those qualified persons desiring excuses. The judge finally reviews the latter category.

Once persons are qualified, they are mailed an update letter, as is the case in the other two counties examined. This letter gives persons an opportunity to appear in court if they feel that their status has changed and they desire to be excused. In Talbot County these persons, usually numbering about 20, appear before the judge and he rules on their requests.

Talbot County's use of jurors is slightly different than the other counties in the circuit. All the names are drawn out of the qualified wheel. This procedure is done manually, as it is in all the counties in the Second Circuit. The first 23 comprise the Grand Jury. The next 12 are alternate Grand Jurors. The rest drawn out are used as petit jurors. In 1976, it was 148 for the first term. According to the clerk, after the petit jurors are drawn out, he lists them alphabetically. When jurors are needed, the clerk goes down the list and notifies as many as is felt to be necessary, usually 25. Some of these usually desire to be excused and the clerk can rule on that. He will often end up with 20-22 persons who will show up for voir dire. When it becomes necessary for more jurors, for a new trial, the clerk starts where he left off on the list. The clerk estimates that each petit juror serves between 5 and 8 days each six month term.

Though the jurors are initially selected in a random fashion, some of the randomness seems to be lost when the clerk alphabetizes and then chooses each name in order.

APPENDIX

Forms used in the Second Circuit

LETTER INVITING SELECTED JUROR TO UPDATE QUALIFICATION FORM

TO:

ADDRESS:

good idea

You have been selected to serve as a _____ juror for the _____ Jury Session, 19____ of the Circuit Court for Queen Anne's County, beginning on the _____ day of _____, 19____.

If there has been any change in the information heretofore furnished by you on your Juror's Qualification Form respecting your qualification or eligibility to be excused as a juror, you may appear before the undersigned on the _____ day of _____, 19____ at _____ o'clock _____ M. in the Court House at _____, Maryland to explain such changes.

Jury Judge

good concept, however, probably should enumerate those areas that would effect one's eligibility or that would be grounds for being excused, as that persons are likely to forget what is pertinent information. For example, if one has been charged with a crime during the time after he or she has already sent back the questionnaire.

